

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**CHRISTOPHER S. HARVEY**

**CIVIL ACTION NO. 08-0699**

**VS.**

**JUDGE HAIK**

**CITY OF RAYNE  
ABC INS. CO.**

**MAGISTRATE JUDGE METHVIN**

**JOHN JASON POTIER**

*Individually & in the course and scope of his  
employment with the City of Rayne as a police officer*

**LOUIS D. DOMINGUE**

*Individually & in the course and scope of his  
employment with the City of Rayne as a police officer*

**LEIF J. MECHE**

*Individually & in the course and scope of his  
employment with the City of Rayne as a police officer*

**CARROLL STELLY**

*In his official capacity as Chief of  
Police of the City of Rayne*

**HEIGHTENED PLEADING REVIEW**


In this §1983 civil rights suit, plaintiff has sued defendants John Jason Potier, Louis D. Domingue, and Leif J. Meche in their individual capacities. The latter defendants asserted a qualified immunity defense in their answer. The undersigned has therefore conducted an evaluation of plaintiff's complaint to determine whether it meets the applicable heightened pleading requirement. *See* Schultea v. Wood, 47 F.3d 1427, (5<sup>th</sup> Cir. 1995); Baker v. Putnal, 75 F.3d 190, 195 (5<sup>th</sup> Cir. 1996).

Plaintiff's complaint alleges a violation of his Fourth and Fourteenth Amendment rights. Plaintiff alleges the following facts: plaintiff was falsely arrested/unlawfully seized and brutally beaten by officers from the Rayne Police Department while he was lawfully drinking a beer at Debbie's Giddy Up & Go, a bar located in Acadia Parish but not within the city limits of Rayne; Officers Potier, Domingue, and Meche approached plaintiff in the bar and asked him to walk outside; when plaintiff put his beer down, the officers grabbed, then held plaintiff and severely beat

him; the officers then violently threw him into the police car, and Officer Domingue sprayed him with pepper spray; the officers left plaintiff in handcuffs in the back of the car until he became ill from the effects of the pepper spray while Domingue and the other officers stood and laughed at him; plaintiff was then taken to the Rayne Police Department, and, while Officer Meche stayed outside to keep watch, Officers Potier and Domingue severely beat Harvey on both of his legs and knees with their batons, most particularly his left leg and knee, trying to get him to fight back; as a result of the horrendous beating, he suffered enormous shock, humiliation, embarrassment, physical and mental pain and suffering, loss of wages and loss of earning capacity; plaintiff has continually sought medical treatment for his injuries and was still receiving treatment for his leg at the time he filed his complaint, May 20, 2008.

The undersigned concludes that plaintiff has “supported his claim[s] with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendants’ conduct at the time of the alleged acts.” Schultea, 47 F.3d at 1434. Plaintiff has therefore met the heightened pleading requirement and no Rule 7(a) Order is necessary in this case. For the same reason, no order limiting discovery under Schultea is appropriate.

Signed at Lafayette, Louisiana, on May 27, 2009.



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Mildred E. Methvin  
United States Magistrate Judge  
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